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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,887

01/21/2004

Joseph Verheye SR.

QTD 0102 PUS

1886

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7590

03/16/2006

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EXAMINER

KYLE, MICHAEL J

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,887

Applicant(s)

VERHEYE, JOSEPH

Examiner

Michael J. Kyle

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-16 is/are allowed.
- 6) ☒ Claim(s) 8-10 is/are rejected.
- 7) ☒ Claim(s) 1-7, 11, 12 and 17-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to because it is unclear to which attachment “the attachment” refers. Claim 1, from which claim 10 depends provides for a first and second attachment. As best understood, the claim is referring the first attachment.
2. Claims 19 and 20 are objected to because of their dependency from claim 17. Examiner believes claims 19 and 20 should depend from claim 18. Claims 19 and 20 are drawn to a method of protecting an automobile from damage, as is claim 18. Claim 17 is an article claim drawn to a guard assembly.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-7, 11, 12, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Love (U.S. Patent No. 5,056,191). Love discloses a hinge guard comprising a first guard element (48) having a first shaft engagement end (rounded portion abutting shaft, in figure 3c), a first shaft engagement surface protruding beyond the hinge knuckle (see figure 3c, surface engaging shaft is beyond the hinge knuckle), a first engagement plate (at 37b), and a first transition body portion (between 37b and rounded portion abutting shaft). Love further discloses

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a second guard element (49) having a second shaft engagement end (rounded portion abutting shaft, in figure 3c), a second shaft engagement surface protruding beyond the hinge knuckle (see figure 3c, surface engaging shaft is beyond the hinge knuckle), a second engagement plate (at 37a), and a second transition body portion (between 37a and rounded portion abutting hinge pin).

5. With respect to claims 3 and 4, Love discloses the first transition body to include an upper surface (outer surface in figure 3) protruding beyond the hinge knuckle. Additionally, Love discloses a first plate engagement surface (37b) having an upper surface (outer surface) protruding beyond a first hinge plate (16).

6. With respect to claims 5-7, Love discloses the first transition body to include a flat surface (outer surface between 37b and rounded portion, on 48) angled between the first shaft engagement upper surface and first engagement plate upper surface. The first guard element is comprised of a non-abrasive material. Examiner notes that vinyl has some degree of non-abrasive properties. Love discloses the use of vinyl (column 4, line 38), which is a polymer.

7. With respect to claims 11 and 12, Love discloses an adhesive element (39) mounted to a first plate engagement lower end, providing means to secure the first plate engagement end to the first hinge plate (16). The adhesive is positioned in an edifice on the first plate engagement end (formed by tab 37b).

8. With respect to claim 17, Love discloses a guard assembly for hinges where the hinge includes first and second plates (16, 17) attached to respective panels. The hinge guard comprises a first guard element (48) having a first shaft engagement end (rounded portion abutting shaft, in figure 3c), a first shaft engagement surface protruding beyond the hinge knuckle (see figure 3c, surface engaging shaft is beyond the hinge knuckle), a first engagement

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plate (at 37b), and a first transition body portion (between 37b and rounded portion abutting shaft).

9. With respect to claim 18, Love discloses a method of protecting an automobile from a hinge where a hinge comprises first and second hinge plates (16, 17) having a hinge shaft (20) mounted within a knuckle (18, 19). Examiner notes that the arrangement of Love is capable of protecting an automobile. A first guard element (48) is attached by press fitting a first shaft engagement (rounded portion on 48) into rotatable communication with the hinge shaft. The first shaft engagement end has an upper surface (outer surface) protruding beyond the hinge knuckle. A first plate engagement end (37b) is mounted to the first hinge plate, and a first transition body (between 37b and rounded portion) is positioned between the first shaft engagement end and first plate end.

10. With respect to claim 19, Love discloses a second guard element (49) is attached by press fitting a second shaft engagement (rounded portion on 48) into rotatable communication with the hinge shaft. The second shaft engagement end has an upper surface (outer surface) protruding beyond the hinge knuckle. A second plate engagement end (37a) is mounted to the second hinge plate, and a second transition body (between 37b and rounded portion) is positioned between the second shaft engagement end and second plate end. The second guard element rotates independently from the first.

11. With respect to claim 20, Love discloses the first plate engagement end is press fit into fixed attachment with the first plate hinge (by pressing adhesive, and tab 37b).

Allowable Subject Matter

12. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 13-16 are allowed.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to hinge guards: Flick et al., Krohn, Clapsaddle, Brydolf, Hormann, Floyd et al, Welsh, Lewis, Jr., Baer, and GB '671.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk


Chuck Y. Mah
Primary Examiner